

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs

JEFFREY DERDERIAN, et al.,
Defendants

ANSWER OF THE DEFENDANT JACK RUSSELL TOURING, INC. TO THE MASTER COMPLAINT OF THE SUPERIOR COURT PLAINTIFFS' STEERING COMMITTEE

Preliminary Statement

The Defendant, Jack Russell (“Mr. Russell”), has been the subject of past investigations by the Attorney General’s Office of the State of Rhode Island concerning the Station Nightclub Fire, and has a reasonable and legitimate concern that he may be the subject of future investigations into such matters, which are included within the scope of the allegations of the Master Complaint. Mr. Russell has therefore exercised his rights under the Fifth Amendment of the United States Constitution and Article 1, Section 13 of the Rhode Island Constitution (the “Fifth Amendment Privilege”) to the fullest extent possible in response to the Master Complaint, and has respectfully declined to answer the allegations contained in the Master Complaint for that reason. Consequently, JRT is unable to refer to or reply upon any knowledge or information that Mr. Russell may have about the events and matters alleged in the Master Complaint. Since

Mr. Russell is the principal shareholder and a principal of JRT, JRT will, in large part, be without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the Master Complaint. JRT specifically reserves its right to amend its answer, should these circumstances change.

Introduction

The allegations of this Introduction consist of conclusions of law and characterizations that require no response.

PARTIES

Plaintiffs

1. – 226. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to individuals other than JRT, or (ii) conclusions of law to which no response is required.

227. – 270. The Plaintiffs' have "reserved" paragraphs 227 through 270, and therefore JRT cannot respond to them at this time.

GENERAL ALLEGATIONS AS TO ALL DEFENDANTS

271. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

JEFFREY DERDERIAN

272. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

273. – 279 JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT I
JEFFREY DERDERIAN – NEGLIGENCE

280. JRT repeats and incorporates by reference herein all of its prior responses to the allegations of the Master Complaint.

281. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT II
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

282. JRT repeats and incorporates by reference herein all of its prior responses to the allegations of the Master Complaint.

283. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

MICHAEL DERDERIAN

284. - 286. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT III
MICHAEL DERDERIAN - NEGLIGENCE

287. JRT repeats and incorporates by reference all of its prior responses to the allegations of the Master Complaint.

288. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT IV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

289. JRT repeats and incorporates by reference all of its prior responses to the allegations of the Master Complaint.

290. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

DERCO, LLC

291. – 293. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT V
DERCO, LLC - NEGLIGENCE

294. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

295. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

296. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

297. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

HOWARD JULIAN

298. – 299. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT VI
HOWARD JULIAN - NEGLIGENCE

300. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

301. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT VII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

302. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

303. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

TRITON REALTY LIMITED PARTNERSHIP

304. – 307. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT VIII
TRITON REALTY LIMITED PARTNERSHIP - NEGLIGENCE

308. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

309. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT IX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

310. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

311. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

TRITON REALTY, INC.

312. – 315. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT X
TRITON REALTY, INC. - NEGLIGENCE

316. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

317. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XI
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

318. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

319. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

RAYMOND J. VILLANOVA

320. – 323. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XII
RAYMOND J. VILLANOVA - NEGLIGENCE

324. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

325. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XIII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

326. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

327. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

JACK RUSSELL

328. JRT admits that Jack Russell is a resident of California. JRT states that it is without knowledge or information sufficient to form of a belief as to the truth of the remaining allegations of this paragraph.

329. JRT states that the allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

330. JRT states that the allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

331. JRT states that the allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XIV
JACK RUSSELL - NEGLIGENCE

332. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

333. JRT states that the allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

334. In response to the allegations of the first sentence of this paragraph, JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint. JRT states that the remaining allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

JACK RUSSELL TOURING, INC.

335. JRT admits that Jack Russell Touring, Inc. is a California corporation that retained Mark Kendall, David Filice, and Eric Powers as independent contractors in February of 2003. JRT states that the remaining allegations of this paragraph are conclusions of law that require no response. To the extent that the remaining allegations of this paragraph require a response, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

336. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

337. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

338. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

339. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XVI
JACK RUSSELL TOURING, INC. - NEGLIGENCE

340. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

341. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XVII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

342. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

343. The allegations of this paragraph are conclusions of law that require no response. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

PAUL WOOLNOUGH

344. – 347. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XVIII
PAUL WOOLNOUGH - NEGLIGENCE

348. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

349. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XIX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

350. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

351. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

MANIC MUSIC MANAGEMENT, INC.

352. – 355. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XX
MANIC MUSIC MANAGEMENT, INC. - NEGLIGENCE

356. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

357. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXI
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

358. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

359. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

KNIGHT RECORDS, INC.

360. – 363. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXII
KNIGHT RECORDS, INC. - NEGLIGENCE

364. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

365. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXIII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

366. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

367. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

DANIEL BICHELE

368. JRT admits that Daniel Biechele is a resident of the State of California and was the tour manager for the Great White Tour. The remaining allegations of this paragraph are primarily conclusions of law to which no response is required. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

369. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

370. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

371. The allegations of this paragraph are primarily conclusions of law to which no response is required. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XXIV
DANIEL BICHELE - NEGLIGENCE

372. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

373. The allegations of this paragraph are primarily conclusions of law to which no response is required. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

COUNT XXV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

374. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

375. The allegations of this paragraph are primarily conclusions of law to which no response is required. To the extent that a response is required, JRT states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

ANHEUSER-BUSCH, INCORPORATED AND
ANHEUSER-BUSCH COMPANIES, INCORPORATED

376. – 384. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

ANHEUSER-BUSCH - NEGLIGENCE

385. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

386. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

MCLAUGHLIN & MORAN

387. – 392. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

MCLAUGHLIN & MORAN, INC. - NEGLIGENCE

393. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

394. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

WHJY, INC.

395. – 401. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

WHJY, INC. - NEGLIGENCE

402. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

403. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

CLEAR CHANNEL BROADCASTING, INC.

404. – 407. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXVI
CLEAR CHANNEL BROADCASTING, INC. - NEGLIGENCE

408. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

409. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

DENIS P. LAROCQUE, ANTHONY BETTENCOURT AND DIANE DERUOSI, IN HER CAPACITY AS TREASURER OF THE TOWN OF WEST WARWICK

410. – 424. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXVII
DIANE DERUOSI, IN HER CAPACITY AS TREASURER OF THE TOWN OF WEST WARWICK - NEGLIGENCE

425. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

426. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXVIII
DENIS P. LAROCQUE, FIRE INSPECTOR - NEGLIGENCE

427. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

428. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXIX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

429. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

430. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXX
ANTHONY BETTENCOURT - NEGLIGENCE

431. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

432. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

STATE OF RHODE ISLAND AND
IRVING J. OWENS, FIRE MARSHAL

433. – 435. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXI
STATE OF RHODE ISLAND - NEGLIGENCE

436. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

437. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXII
IRVING J. OWENS - NEGLIGENCE

438. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

439. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

BRIAN BUTLER

440. – 443. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXIII
BRIAN BUTLER - NEGLIGENCE

444. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

445. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

LIN TELEVISION CORPORATION

446. – 449. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXIV
LIN TELEVISION CORPORATION - NEGLIGENCE

450. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

451. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

CBS BROADCASTING, INC. D/B/A WPRI – CHANNEL 12

452. – 455. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXV
CBS BROADCASTING, INC. - NEGLIGENCE

456. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

457. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

BARRY H. WARNER

458. – 463. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXVI
BARRY H. WARNER - NEGLIGENCE

464. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

465. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXVII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

466. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

467. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

LUNA TECH, INC. – NEGLIGENCE

468. – 471. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXVIII
LUNA TECH, INC. – STRICT LIABILITY

472. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

473. – 476. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XXXIX
HIGH TECH SPECIAL EFFECTS, INC. - NEGLIGENCE

477. – 480. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XL
HIGH TECH SPECIAL EFFECTS, INC.
STRICT LIABILITY

481. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

482. – 485. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLI
AMERICAN FOAM CORPORATION - NEGLIGENCE

486. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

487. – 491. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLII
AMERICAN FORM CORPORATION
STRICT LIABILITY

492. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

493. – 496. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLIII
LEGGETT & PLATT INCORPORATION - NEGLIGENCE

497. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

498. – 501. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLIV
LEGGETT & PLATT CORPORATION
STRICT LIABILITY

502. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

503. – 506. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLV
L & P FINANCIAL SERVICES CO. - NEGLIGENCE

507. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

508. – 510. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLVI
L&P FINANCIAL SERVICES CO. – STRICT LIABILITY

511. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

512. – 515. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLVII
GENERAL FOAM CORPORATION - NEGLIGENCE

516. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

517. – 519. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLVIII
GENERAL FOAM CORPORATION – STRICT LIABILITY

520. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

521. – 524. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT XLIX
GFC FOAM, LLC - NEGLIGENCE

525. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

526. – 529. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT L
GFC FOAM, LLC – STRICT LIABILITY

530. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

531. – 534. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LI
FOAMEX LP – SUCCESSOR LIABILITY FOR GENERAL FOAM CORPORATION

535. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

536. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LII
FOAMEX INTERNATIONAL, INC. - NEGLIGENCE

537. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

538. – 541. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LIII
FOAMEX INTERNATIONAL, INC. – STRICT LIABILITY

542. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

543. – 546. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LIV
FMXI, INC. – LIABILITY AS GENERAL PARTNER

547. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

548. - 549 JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LV
PMC, INC.

550. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

551. - 552 JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LVI
PMC GLOBAL, INC.

553. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

554. - 555. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

JBL INCORPORATED F/K/A JAMES B. LANSING SOUND
INCORPORATED D/B/A JBL PROFESSIONAL - NEGLIGENCE

556. - 564. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LVII
JBL INCORPORATED – STRICT LIABILITY

565. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

566. - 569. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

ESSEX INSURANCE COMPANY, MULTI-STATE INSPECTIONS, INC. AND HIGH
CALIBER INSPECTIONS, INC.

570. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

571. – 575. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

ESSEX INSURANCE COMPANY – NEGLIGENCE

576. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

577. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LVIII
MULTI-STATE INSPECTIONS, INC. - NEGLIGENCE

578. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

579. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LIX
HIGH CALIBER INSPECTIONS, INC. - NEGLIGENCE

580. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

581. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

**UNDERWRITERS AT LLOYD'S, LONDON AND
GRESHAM & ASSOCIATES OF R.I., INC.**

582. – 587. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

UNDERWRITERS AT LLOYD'S, LONDON – NEGLIGENCE

588. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

589. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

**COUNT LX
GRESHAM & ASSOCIATES OF R.I., INC. - NEGLIGENCE**

590. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

591. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

FOUR SEASONS COACH LEASING, INC.

592. – 595. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LXI
FOUR SEASONS COACH LEASING, INC. - NEGLIGENCE

596. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

597. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LXII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

598. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

599. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LXIII
“JOHN DOE” DEFENDANTS - NEGLIGENCE

600. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

601. – 605. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

COUNT LXIV
“JOHN DOE” DEFENDANTS – STRICT LIABILITY

606. JRT repeats and incorporates by reference herein its responses to all prior paragraphs of the Master Complaint.

607. – 610. JRT is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than JRT, or (ii) conclusions of law to which no response is required.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense that the Complaint fails to state any claim against this Defendant upon which any relief, whether compensatory, exemplary, punitive, or otherwise can be granted.

SECOND AFFIRMATIVE DEFENSE

If the Plaintiffs should prove that injuries and damages were sustained as alleged, such injuries and damages resulted from acts or omissions of third parties over whom this Defendant had no control or right of control.

THIRD AFFIRMATIVE DEFENSE

While the allegations of the Plaintiffs are deemed denied with respect to negligence, statutory liability, strict liability, injury and damages, to the extent that the Plaintiffs may be able to prove the same, they were the result of intervening and/or interceding acts or superseding negligence on the part of third parties over which this Defendant has neither control nor right of control.

FOURTH AFFIRMATIVE DEFENSE

This Defendant states that, if the Plaintiffs suffered injuries or damages, as alleged, such injuries or damages were caused by some person(s) or entity(ies) for whose conduct this Defendant was not and is not legally responsible.

FIFTH AFFIRMATIVE DEFENSE

This Defendant did not act individually or engage in concert of action with any one or more of the other defendants herein for the purpose of accomplishing an unlawful purpose or to accomplish some purpose, not in and of itself unlawful, by unlawful means. Nor did this Defendant join in or participate in any joint venture with any one or more of the other defendants herein. Accordingly, the Plaintiffs cannot recover against this Defendant under theories of civil conspiracy or joint venture liability.

SIXTH AFFIRMATIVE DEFENSE

The damages, if any, recovered by the Plaintiffs from the decedent's alleged wrongful death are prescribed and limited by the provisions of R.I. Gen. Laws §§ 10-7-1 through 10-7-4.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiffs' claims are time-barred by the applicable Statute(s) of Limitations.

EIGHTH AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense that to the extent the Plaintiffs seek to impose punitive damages, any such claim for punitive damages would be unconstitutional under the United States Constitution and applicable provisions of the Rhode Island State Constitution and unlawful under applicable State statutes to the extent that, among other things: (1) a defendant's liability for punitive damages and the appropriate amount of punitive damages are not required to be established by clear and convincing evidence; (2) punitive damages are sought to be awarded without bifurcating the trial of all punitive damages issues; (3) any award of punitive damages is sought with no predetermined limit, such as a maximum multiple of compensatory damages or a maximum amount on the amount of punitive damages that the court or a jury may impose; (4) any award of punitive damages is based on anything other than

defendant's alleged conduct in connection with the events at issue in this lawsuit; or (5) an award of punitive damages is sought for the purpose of compensating the Plaintiffs for elements of damage not otherwise recognizable by applicable State law.

NINTH AFFIRMATIVE DEFENSE

This Defendant states that Robert W. Rager (Plaintiff No. 86 in the Master Complaint) cannot recover from Jack Russell Touring, Inc., because his claims are barred by the workers' compensation exclusivity provisions of R.I. Gen. Laws §§ 28-33-1, et seq.

JURY DEMAND

This Defendant demands a trial by jury on all issues so triable.

WHEREFORE, the Defendant, Jack Russell Touring, Inc., respectfully requests that:

- A. the Plaintiffs' Complaint be dismissed with prejudice as to it;
- B. Plaintiffs' demands for relief against it be denied in every respect; and
- C. the Court grant such other and further relief as may be just, proper and equitable.

Jack Russell Touring, Inc.

By its Attorneys,

Fred A. Kelly, Jr. (by RLS)
Randall L. Souza

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1801 Century Park East, 24th Floor
Los Angeles, CA 90067
(310) 553-8833
(310) 553-9233 (Fax)

Dated: September 22, 2004

CERTIFICATION OF SERVICE

I hereby certify that on the 22nd day of September, 2004, I mailed a true copy of the within Answer of the Defendant Jack Russell Touring, Inc. to the Master Complaint of the Superior Court Plaintiffs' Steering Committee via first-class mail, postage prepaid to all counsel of record listed on attached service list.

Collette Palmer